CONSTITUTION AND BYLAWS
of the
ROSEBUD SIOUX TRIBE
SOUTH DAKOTA

(Including Amendments)

PREAMBLE

Under and by virtue of our Creator and His divine providence, we the enrolled members of the Rosebud Sioux Tribe of Indians of the Rosebud Indian Reservation in the State of South Dakota, in order to establish a united tribal organization, to establish justice, to insure tranquillity and enjoy the blessings of freedom and liberty, to conserve our tribal property, to develop our common resources, and to promote the best welfare of the present generation and our posterity, in education and industry, do hereby adopt and establish this constitution and bylaws.

ARTICLE I - TERRITORY

The jurisdiction of the Rosebud Sioux Tribe of Indians shall extend to the territory within the original confines of the Rosebud Reservation boundaries as established by the Act of March 2, 1889, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

Section 1. Membership of the Rosebud Sioux Tribe shall consist as follows:

(a) All persons of Indian blood, including persons born since December 31, 1920, whose names appear on the official census roll of the tribe as of April 1, 1935.

(b) All persons born after April 1, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons.

(c) All children of one-fourth or more Rosebud Sioux Indian blood born after the effective date of this amendment to a member of the tribe, regardless of the residence of the parent. (Amendment V, approved May 2, 1966.)

Sec. 2. The tribal council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Rosebud Sioux Tribe shall consist of a council known as the Rosebud Sioux Tribal Council.

Sec. 2. The president and vice president of the tribe shall be elected at large for a term of two years. All other members of the council shall be elected for terms of two years. All elections shall be by secret ballot. Each community of the reservation, as follows, shall be entitled to representation on the tribal council, according to population, as hereinafter provided:

1. Ringthunder
2. Spring Creek
3. He Dog
4. Black Pipe
5. Swift Bear
6. Butte Creek
7. Bad Nation
8. Okreek
9. Bull Creek
10. St. Francis
11. Grass Mountain
12. Two Strike
13. Parmelee
14. Upper Cut Meat
15. Corn Creek
16. Horse Creek
17. White Thunder
18. Little Crow
19. Ideal
20. Ponca
21. Upper Ponca
22. Soldier Creek

Sec. 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs, subject to the approval of the Secretary of the Interior.

Sec. 4. Each recognized community shall elect representatives to the tribal council, in the proportion of one representative for each two hundred fifty (250) members or a remainder of more than one hundred twenty-five (125), provided that each recognized community shall be entitled to at least one representative.

Sec. 5. Any member of the tribe at least twenty-five (25) years of age, who has not been found guilty by the council of misconduct in tribal affairs and is not an employee of either the Department of the Interior or of the Public Health Service shall be qualified to seek and hold membership on the tribal council, provided that a candidate for president or vice president of the tribe must have been living on the reservation for at least one year next preceding the date of the primary election, and a candidate for community representative must have been living in the community of his candidacy for at least one year next preceding the date of the primary election. If by reason of tribal employment, or tribal office, a candidate for community

representative is absent from the community of his candidacy, and resides in Rosebud community, such residence shall be treated as living in the community of his candidacy for purpose of this section.

Sec. 6. If the office of president becomes vacant before the expiration of the term, the vice president shall fill the unexpired term unless the tribal council orders a special election. If the office of vice president becomes vacant by reason of succession, or any other cause, the tribal council shall elect a vice president from its own number to fill the vacancy until the next general election: Provided, the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of any community representative becomes vacant before the expiration of the term and one year or more of the term remains, the tribal council, within thirty (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the community council of the affected community, within thirty (30) days from the date of the vacancy, shall appoint a community representative for the unexpired term, otherwise the tribal council shall make the appointment for the unexpired term.

Sec. 7. The tribal council shall elect from within or without its number a secretary, treasurer, sergeant-at-arms, and such other officers as it may deem appropriate for a term of two years but not beyond the next general election. Any such officers selected from without the council shall have no vote in matters before the council.

Sec. 8. The Rosebud Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members.

Sec. 9. The first election of councilmen under this constitution shall be held on call of the present council, within thirty (30) days after its ratification and approval. Prior to the first election of the tribal council the membership of each community shall be determined by the Superintendent and a committee consisting of one delegate from each community herein designated.

Sec. 10. There shall be a primary election and a general election for president and vice president of the tribe held every two years commencing in 1967, and there shall be a primary election and general election for community representatives to the tribal council held every two years commencing in 1967. Primary elections shall be held on the fourth Thursday in August and general elections shall be held on the fourth Thursday in October. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day which is not a holiday. The terms of councilmen and officers in office

on the effective date of this amendment shall expire thirty (30) days following certification of the results of the general election to be held in 1967. (Amendments VI and VII, approved May 2, 1966.)

ARTICLE IV - POWERS OF THE ROSEBUD SIOUX TRIBAL COUNCIL

Section 1. Enumerated Powers. The council of the Rosebud Sioux Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States and subject further to all express restrictions upon such powers contained in this constitution and attached bylaws. (Amendment I, approved June 19, 1962.)

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Rosebud Sioux Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To purchase and to otherwise acquire lands and other property for or on behalf of the tribe and to manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law, and to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in tribal lands or other tribal assets without the consent of the tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the tribe who is the economic head of the family. (Amendment II, approved June 19, 1962.)

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the tribe in conformity with Article VIII of this constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Rosebud Sioux Tribe available tribal council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(i) To exclude from the restricted lands of the reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing the adoption and abandonment of membership.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(m) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior, and provided further that nonrestricted property of members which was obtained without any help or assistance of the Government or the tribe may be disposed of without restrictions.

(n) To charter subordinate organization for economic purposes and to regulate the activities of all cooperative associations of members of the tribe.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the reservation, subject to review by the Secretary of the Interior.

(p) To regulate the domestic relations of members of the tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To exchange and foster the arts, crafts, traditions, and culture of the Sioux.

(s) To regulate the manner of making nominations and holding elections for tribal offices.

(t) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials.

(u) To delegate to subordinate boards or tribal officials, to the several communities, or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

Sec. 2. Manner of Review. Any ordinance or resolution which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by the Superintendent, rescind the said ordinance or resolution for any cause, by notifying the reservation council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution within ten (10) days after its receipt by him, he shall advise the Rosebud Sioux Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him, approve or disapprove the same in writing. (Amendment VIII, approved May 2, 1966.)

Sec. 3. Future Powers. The tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government.

Sec. 4. Reserved Powers. Any rights and powers heretofore vested in the Rosebud Sioux Tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Rosebud Sioux Tribe through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE V - COMMUNITY ORGANIZATION

Each community established under this constitution shall elect, annually, a president and such other officers as may be advisable. The president shall call and preside over popular meetings of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the Superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises for the benefit of the community, may levy assessments upon members of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members of the tribe affiliated with the community, and may exercise such further powers as may be delegated to the communities by the tribal council. The actions of the community councils shall not be inconsistent with the constitution, bylaws, and ordinances of the tribe.

ARTICLE VI - ELECTIONS

Section 1. Any enrolled member of the Rosebud Sioux Tribe, at least twenty-one (21) years of age, who has resided for at least ninety (90) days immediately prior to the election day in the community in which he anticipates to vote, is qualified to vote. (Amendment IX, approved May 2, 1966.)

ARTICLE VII - REMOVAL FROM OFFICE

Section 1. Any member of the tribal council who is convicted of a felony or of any other offense involving dishonesty during his term of office shall automatically forfeit his office.

Sec. 2. The tribal council may, by a two-thirds vote, expel any member for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard.

ARTICLE VIII - LAND

Section 1. In any assignment of tribal lands, preference shall be given to heads of families which are entirely landless. Assignments under this section shall be known as "home assignments" and shall be granted for the purpose of giving opportunity to homeless Indians for establishing a home. Any assignment under this provision shall not exceed ten (10) acres in area.

Sec. 2. If any person holding a "home assignment" of land shall for a period of six months fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a "home assignment" his heirs or other individuals designated by him by will or written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a "home assignment."

Sec. 3. Any member of the Rosebud Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, including or excluding mineral rights therein, to the tribe and receive therefor an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of grazing land.

Assignments made under this section shall be known as "exchange assignments."

Sec. 4. A member receiving an "exchange assignment" shall receive the right to lease such assigned lands or interests under the same terms as governing the leasing of allotments.

Sec. 5. Upon the death of a holder of an "exchange assignment," such lands shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Rosebud Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1920 acres of land on the reservation.

(c) Such lands may not be subdivided into units too small for practical use. No area of grazing land shall be subdivided into units smaller than one hundred sixty (160) acres. No area of agricultural land shall be subdivided into smaller units than two and one-half (2½) acres. When interests in assignments shall

involve smaller areas than the amounts herein set out, the tribal council may issue to such heir or devisee a proportionate share in other grazing units or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

Sec. 6. Improvements of any character made upon assigned land may be willed to and inherited by members of the Rosebud Tribe. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

Sec. 7. No member of the Rosebud Tribe may use or occupy tribal lands except under assignment or lease.

Sec. 8. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe.

Sec. 9. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Rosebud Tribe.

Sec. 10. Applications for assignments of land shall be made in writing. Such applications shall be submitted to the council at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the council. Any member of the tribe may object, in writing, to a proposed assignment. In the event of objection, the chairman of the council shall set a date for a hearing, advising both the applicant and the objector. The action of the council shall be final.

The secretary of the council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior. (Amendments III and IV, approved June 19, 1962.)

ARTICLE IX - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Rosebud Sioux Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least three-fourths (3/4) of the membership of the council.

ARTICLE X - BILL OF RIGHTS

Section 1. All members of the tribe and all Indians on the reservation shall enjoy without hindrance freedom of religion, speech, press, assembly, conscience and association.

Sec. 2. Any Indian on the reservation accused of any offense shall have the right to a speedy and public trial and to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him. Any Indian accused of any offense shall have the right to the assistance of counsel and to demand trial by jury. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 3. No person shall be subject for the same offense to be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor be denied equal protection of law.

Article X was added by Amendment XI, approved May 2, 1966.

BYLAWS
of the
ROSEBUD SIOUX TRIBE
SOUTH DAKOTA

ARTICLE I - DUTIES OF OFFICERS

Section 1. The president shall manage and administer the affairs of the tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the tribal council. The president shall preside at all meetings of the tribal council. He shall vote only in case of a tie. (Amendment XII, approved May 2, 1966.)

Sec. 2. The vice president shall assist the president when called upon to do so, and, in the absence of the president, he shall preside. When so presiding, he shall have all the rights, privileges, duties, as well as the responsibilities, of the president. The vice president shall not have a vote except in case of a tie when acting as president under Section 1 of this article. (Amendment XIII, approved May 2, 1966.)

Sec. 3. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the tribal council and shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the council, to the Superintendent of the reservation, and to the Commissioner of Indian Affairs.

Sec. 4. The council treasurer shall be the custodian of all moneys which come under the jurisdiction or in control of the Rosebud Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such amount as the council by resolution shall provide, such bond to be satisfactory to the Commissioner of Indian Affairs. The books of the council treasurer shall be subject to audit or inspection at the discretion of the council or of the Commissioner.

ARTICLE II - DUTIES OF COUNCILMEN

It shall be the duty of each member of the tribal council to make reports to the community from which he was elected concerning the proceedings of the tribal council.

ARTICLE III - OATH OF OFFICE

Each member of the tribal council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof; by which oath, he shall pledge himself to support and defend the Constitution of the United States and this constitution and bylaws. (Oath): I, _____, do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, will carry out, faithfully, and impartially, the duties of my office to the best of my ability; and will cooperate, promote and protect the best interests of my tribe, the Rosebud Sioux, in accordance with this constitution and bylaws.

ARTICLE IV - SALARIES

Section 1. The tribal council may prescribe such salaries of tribal officers, employees, or member of the council as it deems advisable from such funds as may be available.

Sec. 2. No compensation shall be paid to any councilman, president, vice president, secretary, treasurer, tribal council, or any officer out of the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE V - MEETINGS OF COUNCIL

Section 1. Regular meetings of the council shall be four (4) in each year, and shall be held in January, April, July, and October, on such days in said months and at such places as the council by resolution shall provide. Two-thirds (2/3) of the duly elected members must be present to constitute a quorum. Special meetings may be called by the president, the Superintendent of the reservation, or by a majority of the councilmen in writing, and when so called, two-thirds (2/3) of said councilmen must be present to constitute a quorum and the council shall have power to transact business as in regular meetings.

Sec. 2. A designated room or place shall be set aside for the tribal council, where all records and tribal council property shall be kept.

ARTICLE VI - SIOUX COUNCILS

The tribal council shall have the power to select delegates to sit in National Sioux Councils.

ARTICLE VII - ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority of the qualified voters of the Rosebud Sioux Tribe voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from date of approval.

The original constitution and bylaws was approved by the Secretary of the Interior on December 20, 1935.